

12-05-03

2828

Express Mail Label No.: EV396740049US

PATENT APPLICATION

Docket: 15436.247.40.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Dijaili et al.

Serial No.: 10/020,558

Filing Date: December 14, 2001

Confirmation No.: 8601

For: OPTICAL LOGIC CIRCUITS BASED ON  
LASING SEMICONDUCTOR  
OPTICAL AMPLIFIERS

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express mail, postage prepared, in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

- Response to Election of Species Requirement
- Transmittal Letter (in duplicate)
- Postcard

Dated this 4<sup>th</sup> day of December, 2003.

Respectfully submitted,

Peter F. Malen, Jr.  
Attorney for Applicant  
Registration No. 45,576

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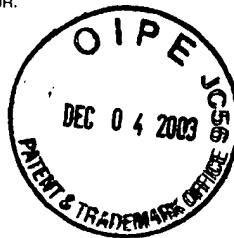
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For: OPTICAL LOGIC CIRCUITS BASED ON )  
 LASING SEMICONDUCTOR )  
 OPTICAL AMPLIFIERS )

TRANSMITTAL FOR RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents  
 Washington, DC 20231

Sir:

Transmitted herewith is a Response to Election of Species Requirement as set forth in the Office Action mailed November 24, 2003, for entry in the above-identified application.

Enclosed are the following:

X Response to Election of Species Requirement;

- 
- Transmittal letter (in duplicate);  
 Certificate Express Mailing # EV396740049US;  
 Self-addressed, stamped postcard to confirm receipt.

The Commissioner is hereby authorized to charge payment of fees required under 37 C.F.R. § 1.19(h) or credit any overpayment to Deposit Account No. 23-3178. A duplicate copy of this letter is attached.

Dated this 4<sup>th</sup> day of December, 2003.

Respectfully submitted,



Peter F. Malen, Jr.  
Attorney for Applicant  
Registration No. 45,576

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                            Dijaili et al. )  
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Serial No.:             10/020,558         )  
                            )  
Filing Date:           December 14, 2001     ) Art Unit  
                            )                          2828  
                            )  
Confirmation No.:      8601                     )  
                            )  
For:                     OPTICAL LOGIC CIRCUITS BASED ON )  
                           LASING SEMICONDUCTOR         )  
                           OPTICAL AMPLIFIERS         )

BOX: NON-FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, DC 20231

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Dear Sir:

In the Office Action mailed November 24, 2003, the Examiner set forth an Election of Species Requirement that identified what the Examiner characterized as five patentably distinct species of the claimed invention. In particular, the Examiner suggested that the present application contains claims directed to five patentably distinct species of the claimed invention, namely:

Group I: Figures 1, 2A-D and 7 (drawn to VLSOA);

Group II: Figures 3-5 and 11-12 (drawn to structures of logic gates);

Group III: Figure 6 (drawn to a structure of an optical astable multivibrator);

Group IV: Figures 7-9 (drawn to structures of tunable VLSOA cavities); and

Group V: Figures 10 and 13 (directed to optical latches).

In regard to the aforementioned Groups, Applicant respectfully notes that the Examiner has included Figure 7 in two different Groups, namely, Group I and Group IV. Accordingly, Applicant respectfully requests that the Examiner clarify which Group the Examiner believes should include Figure 7.

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects the species of Group II (Figures 3-5 and 11-12) for examination, without traverse.

Claim 1 and claims 5 through 16 are readable on the elected species of Group II (Figures 3-5 and 11-12).

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

DATED this 4<sup>th</sup> day of December, 2003.

Respectfully submitted,



PETER F. MALEN JR.  
Attorney for Applicant  
Registration No. 45,576

- 2 -

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